UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,740	09/22/2003	Bret A. Bailey	BOC9-2003-0028 (397)	1890

40987 7590 01/22/2007 AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188	**EXAMINER** TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)
Office Action Summary		10/667,740	BAILEY ET AL.
		Examiner	Art Unit
		TuyetLien (Lien) T. Tran	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *2/12/04*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

It is appeared that there is typographical error for "2002/0056476". There is no patent

application with this publication assigned to Benayoun et al. Therefore, this reference cited in

the IDS has not been considered. The correct reference "2001/0056476" is instead included in

form PTO-892.

Specification

1.   The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

following is required: "machine-readable storage".

Claim Objections

2.   Claim 1 is objected to because of the following informalities: Zseries in line 1 should be

changed to zSeries to be consistent with the format used in the specification. Appropriate

correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claims 1, 4-5, 9-10, 13-14, 17-18, and 22 contain the trademark/trade name zSeries.

Claims 2 and 15 contain the trademark/trade name "OS/390 and z/OS.

Claims 4, 10, and 17 contain the trademark/trade name "Interactive System Productivity

Facility". Where a trademark or trade name is used in a claim as a limitation to identify or

describe a particular material or product, the claim does not comply with the requirements of 35

U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The

claim scope is uncertain since the trademark or trade name cannot be used properly to identify

any particular material or product. A trademark or trade name is used to identify a source of

goods, and not the goods themselves. Thus, a trademark or trade name does not identify or

describe the goods associated with the trademark or trade name. In the present case, the

trademark/trade name is used to identify/describe *computer, operating system and user

interface* and, accordingly, the identification/description is indefinite.

Any claim not specifically addressed, above, is being rejected as incorporating the

deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 9-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

In claim 9, a "graphical user interface" is being recited; however, it appears that the

graphical user interface would reasonably be interpreted by one of ordinary skill in the art as

software, per se. As such, it is believed that the graphical user interface of claim 9 is

reasonably interpreted as functional descriptive material, per se.

Any claim not specifically addressed, above, is being rejected as incorporating the

deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

This application currently names joint inventors. In considering patentability of the claims under

35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

6.   Claims 1-3, 5-9, 11-16, 18-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Paxhia et. al. (Pub No. 2002/0052935 A1, hereinafter Paxhia) in view of

Spiegel et al. (Pub No US 20030055863 A1, hereinafter Spiegel).

As to claims 1, 14, and 22, Paxhia teaches:

A machine-readable storage having stored thereon, a computer program having a

plurality of code sections, said code sections executable by a machine (e.g., see [0018], [0065],

and page 25 lines 7-11) for causing the machine to perform the steps of:

providing a graphical user interface including at least one control (see e.g., Fig. 11);

accessing data contained within at least one configuration file containing Internet settings for said computer (e.g., read current settings from the configuration file, see [0051]);

displaying information based upon said accessed data within said graphical user interface (e.g., build configuration pages filled in with the settings from the configuration file, see [0051] and Fig. 11); and

altering data within said at least one configuration file responsive to manipulation of said control (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Fig. 11, Fig. 12).

Paxhia further teaches the configuring internet settings for a AS/400 also known as iSeries (e.g., see Fig. 8); however, Paxhia does not teach the configuring settings for a zSeries compatible computer.

Spiegel teaches a method and apparatus for managing a resource in an information handling system particularly for a zSeries server (e.g., see [0009] and [0031]).

Paxhia and Spiegel are analogous art because they are from the same field of endeavor of providing an interface for configuration (e.g., see Speigel [0030]) for IBM platform computers (iSeries and zSeries). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the configuration graphical user interface that can be applied to a zSeries server as taught by Speigel to the internet connection configuration graphical user interface as taught by Paxhia to create an internet connection configuration graphical user interface on a zSeries compatible computer. The motivation to combine the teachings of Paxhia with Speigel is to allow easy manipulation of parameters such as IP address, network address, as well as name server.

As to claim 9, Paxhia teaches:

A graphical user interface for a computer (e.g., see [0018] and [0041]) comprising:

a plurality of interface elements (e.g., see Fig. 13), wherein at least a portion of said

interface elements display data derived from a flat file of said computer (e.g., see [0051]) that

includes Transmission Control Protocol/Internet Protocol configuration settings for said

computer (e.g., see [0065] and Fig. 13), and wherein selection of at least a portion of said

interface elements alter one or more of said Transmission Control Protocol/Internet Protocol

configuration settings within said flat file (e.g., read the values contained in the configuration

pages and write those values out to the configuration file, see [0051] and Fig. 13).

Paxhia further teaches the configuring internet settings for a AS/400 also known as

iSeries (e.g., see Fig. 8); however, Paxhia does not expressly teach the configuring settings for

a zSeries compatible computer.

Spiegel teaches a method and apparatus for managing a resource in an information

handling system particularly for a zSeries server (e.g., see [0009] and [0031]). Thus, combing

Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same

reasons as discussed with respect to claims 1, 14, and 22 above.

As to claims 2 and 15, Paxhia and Spiegel teach the limitation of claims 1 and 14 for the

same reasons as discussed with claims 1 and 14 above. Spiegel further teaches wherein said

graphical user interface is configured for at least one of a multiple virtual storage operating

system, an OS/390 operating system, and a z/OS operating system (e.g., see [0031]). Thus,

combing Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the

same reasons as discussed with respect to claims 1, 14, and 22 above.

As to claims 3 and 16, Paxhia and Spiegel teach the limitation of claims 1 and 14 for the

same reasons as discussed with claims 1 and 14 above. Paxhia further teaches wherein said at

least one configuration file includes Transmission Control Protocol/Internet Protocol

configuration settings, wherein said displaying step displays Transmission Control

Protocol/Internet Protocol information, and wherein said altering step alters one or more of said

Transmission Control Protocol/Internet Protocol configuration settings (e.g., see [0051], [0065],

and Fig. 13).

As to claims 5, 13, and 18, Paxhia and Spiegel teach the limitation of claims 1, 9, and 14

for the same reasons as discussed with claims 1, 9, and 14 above. Paxhia further teaches

displaying help relating to configuring Internet communication settings of said computer within

said graphic user interface (e.g., see [0047] and [0048]).

Paxhia further teaches the configuring internet settings for a AS/400 also known as

iSeries (e.g., see Fig. 8); however, Paxhia does not expressly teach the configuring settings for

a zSeries compatible computer.

Spiegel teaches a method and apparatus for managing a resource in an information

handling system particularly for a zSeries server (e.g., see [0009] and [0031]). Thus, combing

Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same

reasons as discussed with respect to claims 1, 14, and 22 above.

As to claims 6 and 19, Paxhia and Spiegel teach the limitation of claims 1 and 14 for the

same reasons as discussed with claims 1 and 14 above. Paxhia further teaches:

providing a selection list within said graphical user interface, said selection list including

a multitude of user-selectable settings for at least one configuration parameter of said

configuration file (e.g.., see [0051] and Fig. 11); and

updating said configuration parameter responsive to a selection within said selection list

(e.g., read the values contained in the configuration pages and write those values out to the

configuration file, see [0051] and Fig. 13).

As to claims 7 and 20, Paxhia and Spiegel teach the limitation of claims 1 and 14 for the

same reasons as discussed with claims 1 and 14 above. Paxhia further teaches synchronizing

multiple ones of said at least one configuration file using said graphical user interface (e.g., read

current settings from the configuration file and build configuration pages filled in with those

settings, see [0051] and Fig. 11).

As to claims 8, 12, and 21, Paxhia and Spiegel teach the limitation of claims 1, 9, and 14

for the same reasons as discussed with claims 1, 9, and 14 above. Paxhia further teaches

checking a validity of at least one parameter stored within said configuration file using said

graphical user interface (e.g., see [0050]).

As to claim 11, Paxhia and Spiegel teach the limitation of claim 9 for the same reasons as

discussed with claim 9 above. Paxhia further teaches wherein at least a portion of said plurality

of interface elements accept input (e.g., see Fig. 11 and Fig. 13), and wherein said input is

restricted to prevent invalid configuration settings from being written to said flat file (e.g.,

configuration file validation program, see [0050]).

7.   Claims 4, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Paxhia in view of Spiegel further in view of Wilkerson et al (Patent No 5778387, hereinafter

Wilkerson).

As to claims 4, 10, and 17, Paxhia and Spiegel teach the limitation of claims 1, 9, and 14

for the same reasons as discussed with claims 1, 9, and 14 above. Paxhia and Spiegel fail to

expressly teach integrating a graphical user interface with an Interactive System Productivity

Facility (hereinafter ISPF).

Wilkerson teaches integrating a graphical user interface (e.g., the process operates

under a system in which menus known as "panels" prompt the user for information and process

selection, see col. 2 lines 32-45) with an Interactive System Productivity Facility (e.g., note that

the interface can be run on ISPF, see col. 6 lines 45-55).

Paxhia, Spiegel, and Wilkerson are analogous art because they are from the same field

of endeavor of providing an interface between an operator and the computer to allow data

manipulation. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have used the integration of an application software with ISPF

tool as taught by Wilkerson to the internet connection configuration graphical user interface as

taught by Paxhia and modified by Spiegel to create an internet connection configuration

graphical user interface integrated with an Interactive System Productivity Facility of a zSeries

compatible computer. The motivation to combine the teachings of Paxhia modified by Speigel

with Wilkerson is to allow a person not technically skilled in the user of a computer can operate

the new procedure (see e.g., Wilkerson col. 2 lines 32-35).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T   Lien Tran
1/11/2007   Examiner
                                                         Art Unit 2179

BA HUYNH
PRIMARY EXAMINER